IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.102 OF 2005
IN
CIVIL REVISION APPLICATION ST.NO.25114 OF 2005

Shri Dilip K. Sumant. ..Applicant.

V/s.

Shri Vinayak H. Gurav(Dharak) & Ors. ..Respondents.

Mr.A.P.Kulkarni for applicant.

CORAM: A.M.KHANWILKAR,J

DATE : APRIL 18, 2006.

P.C. :

1. Counsel for the applicant submits that suit filed by the respondent has been dismissed by the trial court. Indeed, the respondents have thereafter, carried the matter in appeal. As the suit is dismissed and this revision application is directed against the order passed by the trial court on Interim Application Exh.1 in the said suit, revision application can be disposed of granting liberty to the applicant to raise the objection taken below Exh.1 in the said appeal.

2. However, in the present revision, there is delay of 254 days. Unless the said delay is condoned question of granting such liberty will not arise. In

that sense, revision will have to be proceeded for that limited purpose.

3. Office note indicates that applicant has not taken steps in so far as deceased respondent No.3 and some of the respondents who are unserved. The applicant to take necessary steps in that regard including to serve the unserved respondents within three weeks from today, failing which revision application to stand dismissed for non-prosecution without further reference to the court.

4. If steps are taken in time, revision be placed on 6th June, 2006.